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RUEHCG/AMCONSUL CHENNAI PRIORITY 8422
RUEHBI/AMCONSUL MUMBAI PRIORITY 5896
RUEHON/AMCONSUL TORONTO PRIORITY 0606
RUEHGV/USMISSION GENEVA PRIORITY 2700
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SUBJECT: SRI LANKA: MFA ISSUES HARSH REBUTTAL TO U.S. HUMAN RIGHTS REPORT

¶1. (SBU) SUMMARY: On March 31, the Ministry of Foreign Affairs released publicly a detailed response to the U.S. Human Rights Report, defending Sri Lanka's human rights record and challenging much of the information cited in the U.S. report. The preamble to the GSL paper charges that the HRR is based on flawed information, fails to acknowledge the "difficult environment in which the GSL operates," does not include enough detail on LTTE human rights abuses, and ignores GSL efforts to protect human rights and hold violators accountable. The GSL document contains strong language condemning the HRR, but provides little, if any, new information on the government's human rights record. End Summary.

¶2. (U) On March 14, the GSL sent Ambassador a 4-page Aide Memoire objecting to the U.S. Human Rights Report (HRR) released on March 11. On March 31, the Ministry of Foreign Affairs submitted to the Embassy - a day after the "preamble" was leaked to news media - a fifty-page detailed response to the HRR defending Sri Lanka's human rights record and challenging much of the information cited in the U.S. report.

¶3. (U) The preamble charges that the HRR is based on flawed information, fails to acknowledge the "difficult environment in which the GSL operates," does not include enough detail on LTTE human rights abuses, and ignores GSL efforts to protect human rights and hold violators accountable. It includes a lengthy list of local laws pertaining to human rights and the international conventions on human rights that Sri Lanka has endorsed.

Harsh Criticism from the GSL

¶4. (U) The GSL report condemns the HRR in strong language. It describes the report as "replete with factual inaccuracies, omissions, biased opinions, uncorroborated and unsubstantiated statements, and blatantly unfair allegations" based on "unfounded media reports and questionable sources." It says "the approach of the HRR towards the GSL is critical

and judgmental, and such a slant undermines the objectivity and impartiality of the report." It claims the report "adopts a stance, which appears to be at variance with the declared U.S. policy on terrorism and counter-terrorism... and is implicitly supportive of terrorism." The GSL notes an "approach adopted almost across the entirety of the report - i.e. an eagerness to discount or discredit official efforts, disregard clear facts on the ground, and justify pre-determined conclusions." The GSL charges that the HRR "has proceeded to violate witness rights by consistently disclosing witness and victim identities and the details of crimes allegedly committed against them." It also claims that the HRR "published names of high ranking state officials and discredited them with some wild accusations, without even having the professionalism and good sense to either verify the facts from independent sources or to apply the basic principles of justice."

Substantive Arguments Sound Familiar

15. (U) The GSL's report provides little, if any, new information on the government's human rights record. The government's defense of several of the allegations made in the HRR is as follows:

-- Extrajudicial Killings: The GSL continues to cite the appointment of the Commission of Inquiry into serious human rights violations as proof that it is addressing this issue. The report notes that the COI has concluded some investigations, and that two cases are at the public inquiry stage. The report does not mention that the IIGEP has resigned over concerns about the COI's failure to meet

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international standards.

-- Abductions and Disappearances: The GSL cites "an international agency" that has confirmed a downward trend in disappearances and killings during the second and third quarters of 2007. The GSL says the list of 355 disappearances submitted by the Ambassador included 5 duplications, 6 persons who left Sri Lanka, 24 persons who have been located, 4 persons who have died, and 3 that have been arrested. They note that 106 cases were never reported to the police and that the remainder are still being investigated. The GSL report says the allegations of disappearances in the HRR also contain duplications, and persons who simply moved out of Sri Lanka or into the Vanni. The GSL claims some reports were forwarded by NGOs "well known to obtain funding in dubious ways and to exaggerate and/or make conveniently blatant mistakes." The GSL also notes that in many of the cases no reports were made to the police, or that the families reported a disappearance to strengthen their chances of getting visas to go abroad. Finally, the GSL attributes many disappearances to forced recruitment by the LTTE, adding that often the LTTE refuses to claim the bodies of dead LTTE cadre and the families then claim they are missing.

-- Child Soldiers: The GSL says the TMVP retains 164 children under the age of 18. The government claims that now that the Eastern Province has been cleared of LTTE, the problem is likely to be resolved "soon."

--IDPs: The GSL report says there are 187,863 IDPs in Sri Lanka, and that the resettlement of IDPs is slowed by the process of clearing landmines. It argues that all re-settlement of IDPs has been done on a voluntary basis, and that this has been confirmed by UNHCR. The GSL denies that IDPs are used for forced labor. The GSL notes the enactment of a Bill on the Rights of the Internally Displaced and Returnees and its recent efforts to begin dealing with those IDPs who were displaced from the North by the LTTE in 1990.

--Media Freedom: The GSL argues that the Sri Lankan media is dominated by private news organizations, and that there is no press censorship in Sri Lanka, even on information pertaining to security and military matters. According to the GSL, any journalists detained have been arrested on suspicion of terrorist activity unrelated to their professional activities. The GSL adds that it has provided access to conflict areas in the North, and has even allowed the media to interview terrorist leaders.

--Religious Freedom: The GSL notes that freedom of religion is enshrined in the constitution and that all Sri Lankans are free to practice the religion of their choice. The government argues that the HRR has used reports of isolated incidents to create the false impression that there are tensions between Buddhist and Christian communities.

--Impunity: The GSL notes that 150 indictments were served on 600 members of the security forces for human rights violations prior to 2004. Since 2004, 42 indictments have been made against 90 persons for allegations of torture. Twenty five of these cases are pending. According to the GSL, six members of the armed forces and police were arrested in June 2007 for involvement in abductions for ransom and murder. (It fails to note, however, that on recommendation of the Attorney General, these individuals were released and charges dropped in January 2008.) Two members of security forces were arrested and charged with murdering five students in November 2006. The only convictions mentioned, however, are two members of the air force who were convicted for violating the human rights of a journalist. Those convictions are currently under appeal, according to the government.

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16. (SBU) COMMENT: This latest report on human rights from the GSL echoes many of the arguments they have used before, but contains the strongest criticisms of the U.S. to date. However, the GSL's arguments are weak and even contradictory. For example, the MFA complains on the one hand that the U.S. does not cite specific sources, and later on that we name specific names in the report, thereby endangering victims. The government's constantly-reiterated assertion that many of the "disappeared" have eloped, gone on vacation or to take up jobs abroad, or have been the victims of forced recruitment by the LTTE (note: from government-controlled areas, including high-security zones) is simply false. The GSL also claims it is not getting enough credit for the good things it is doing, such as restoring democracy and development in the East. We have explained to the GSL that these are not issues covered by the HRR. Similarly, we have expressed to the GSL that it is not enough to have laws on the books; those laws must be enforced and violators held accountable.

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